UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,606	01/30/2001	Roland L. Fernandez	MS164006.1	1724

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AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER
JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/772,606	FERNANDEZ ET AL.
	Examiner	**Art Unit**	
	Thomas J Joseph	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 January 2001</u> .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-45</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-45</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .		6) ☐ Other: .	

DETAILED ACTION

Claim Objections

1.   Claims 20, 26, 34, and 35 are objected to because of the following informalities:

line 3 of claims 20, 26, 34, and 35 which cite, "... being rendered to to the DPI that ..."

should cite, "... being rendered to the DPI that ...". Appropriate correction is required.

The Examiner recommends that the Applicant review the entire Application for repeat

occurrences of this informality and other potential informalities.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1 – 8, 27, 28, 32, 38, 39, and 42 – 45 are rejected under 35 U.S.C. 102(e)

as being anticipated by Isreal (US 6,330,007).

Claim 1:

Isreal (US 6,330,007) teaches a system adapted to size a user interface (UI)

element having at least one component that responds to a sizing input (col. 15, lines 10

– 25). Isreal teaches a sizing module adapted to size a first component in response to

the sizing input (col. 15, lines 10 – 25). Isreal teaches an alignment module adapted to

align a second component within the sized first component (col. 15, lines 10 – 25).

Claim 2:

Isreal teaches the UI element being themed (fig. 15). Labels used for naming the

various windows are also UI themes.

Claim 3:

Isreal teaches the first component being a bitmap and the sizing module being

adapted to divide the bitmap into a plurality of grids and adjust margins of at least some

of the grids to size at least some of the grids of the bitmap (col. 7, lines 25 – 35).

Claim 4:

Isreal teaches a UI element having at least one component in response to a

sizing input (col. 15, lines 10 – 25). Isreal teaches receiving the sizing input (col. 15,

lines 10 – 25). Isreal teaches dividing a bitmapped first component into a plurality of

grids (col. 7, lines 25 – 35). Isreal teaches adjusting the margins of at least some of the

grids to size at least some of the grids of the bitmap in response to the sizing input (col.

14, lines 55 – 67). Isreal teaches aligning a second component within the first sized

component (col. 14, lines 55 – 67).

Claim 5:

Isreal teaches the UI element being themed (fig. 15).

Claim 6:

Isreal teaches software that requires a computer-readable medium storing

computer-executable instructions adapted to perform the method of claim 4 (abstract).

Claim 7:

Isreal teaches a GUI that includes a context that a UI element can be rendered

to, a method for rendering a UI element having at least one component that is sized in

response to sizing input (col. 15, lines 10 – 25). Alignment is used as a method for

sizing input in response to a request to size the said input. Isreal teaches receiving the

sizing input (col. 15, lines 10 – 25). Isreal teaches dividing a bitmapped first component

into a plurality of grids (col. 7, lines 25 – 35). Isreal teaches adjusting margins of at

least some of the grids to size at least some of the grids of the bitmap in response to the

sizing input (col. 14, lines 55 – 67). Isreal teaches aligning a second component within

the sized first component (col. 14, lines 55 – 67). Isreal teaches rendering the UI

element to the context (fig. 15).

Claim 8:

Isreal teaches the UI element being themed (fig. 15).

Claim 27:

Isreal teaches a system adapted to produce a UI element having at least one

component (col. 15, lines 10 – 25). Isreal teaches a sizing module adapted to choose a

second component of the UI element from a library of second components (col. 15, lines

10 – 25). Isreal teaches an alignment module adapted to align the chosen second

component within a first component of the UI element (col. 15, lines 10 – 25).

Claim 28:

Isreal teaches the UI element being themed (fig. 15).

Claim 32:

Isreal teaches producing a UI element having at least one component (col. 15, lines 10 – 25). Isreal teaches choosing a second component of the UI element from a library of second components (col. 15, lines 10 – 25). Isreal teaches aligning the chosen second component within a first component of the UI element (col. 15, lines 10 – 25).

Claim 36:

Isreal teaches software that requires a computer-readable medium having computer-executable instructions adapted to perform (abstract).

Claim 38:

Isreal teaches a GUI including a context that a UI element having at least one component can be rendered to, a method for rendering a UI element (col. 15, lines 10 – 25). Isreal teaches choosing a second component of the UI element from the library of second components (col. 15, lines 10 – 25). The list described herein is a type of library. Isreal teaches aligning the chosen second component with a first component of the UI element (col. 15, lines 10 – 25). Isreal teaches rendering the UI element of the context (col. 15, lines 10 – 25).

Claim 39:

Isreal teaches a UI element that is themed (fig. 15).

Claim 42:

Isreal teaches a system adapted to produce a UI element having at least one

component (col. 15, lines 10 – 25). Isreal teaches a sizing a sizing module adapted to

choose a second component of the UI element from a library of second components

(col. 15, lines 10 – 25). Isreal teaches an alignment module adapted to align the

chosen second component within a first component of the UI element (col. 15, lines 10

– 25).

Claim 43:

Isreal teaches a UI element that is themed (fig. 15).

Claim 44:

Isreal teaches a system adapted to produce a UI element having at least one

component in response to sizing (col. 15, lines 10 – 25). Isreal teaches a sizing module

adapted to choose a second component of the UI element from a library of second

components (col. 15, lines 10 – 25). Isreal teaches an alignment module adapted to

align the chosen second component within a first component of the UI element (col. 15,

lines 10 – 25).

Claim 45:

Isreal teaches a UI element that is themed (fig. 15).

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

5.   Claims 9, 16, 18, and 22 are rejected under 35 U.S.C. 102(b) as being

anticipated by Higgins (US 5,477,241).

Claim 9:

Higgins teaches adapting to size a bitmapped component of a UI element in

response to a sizing input, where the bitmapped component was designed under a

particular DPI (col. 4, lines 15 – 35). Higgins teaches a sizing module adapted to size

the bitmapped component in response to the sizing input and based upon a functional

relationship between the DPI of the context that the UI element being rendered to and

the DPI that the bitmapped component was designed under (col. 4, lines 15 – 35).

Claim 16:

Higgins teaches a method for sizing a bitmapped component of a UI element in

response to a sizing input, where the bitmapped component was designed under a

particular DPI (col. 4, lines 15 – 35). Higgins teaches receiving the sizing input (col. 4,

lines 15 – 35). Higgins teaches sizing the bitmapped component in response to the

sizing input and based upon a functional relationship between the DPI of the context

that the UI element being rendered to and the DPI that the bitmapped component was

designed under (col. 4, lines 15 – 35).

Claim 18:

Higgins teaches dividing the bitmap into a plurality of grids (col. 4, lines 15 – 35).

Higgins teaches adjusting the margins of the grids to adjust the size of the grids based

upon the functional relationship between the DPI of the context that the UI element is

rendered to and the DPI that the bitmapped component was designed under (col. 4,

lines 15 – 35).

Claim 22:

Higgins teaches a computer system having a graphical user interface including a

context that a UI element have a bitmap component being rendered to, a method for

rendering the UI element in response to sizing input where the bitmapped component

was designed under a particular DPI (col. 4, lines 15 – 35).   Higgins teaches receiving

sizing input (col. 4, lines 15 – 35). Higgins teaches sizing the bitmapped component in

response to the sizing input based upon a functional relationship between the DPI of the

context that the UI element is rendered to and the DPI that the bitmapped component it

is designed under (col. 4, lines 15 – 35).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 10 – 15, 17, 19 - 21, and 23 – 26 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Higgins as applied to claims 9, 16, 18, and 22 above, and

further in view of Isreal.

Claim 10:

Higgins fails to teach a UI being themed. Isreal teaches the UI element being

themed (fig. 15). It would have been obvious to one with ordinary skill in the art at the

time of the invention to combine the UI element being themed taught by Isreal with the bitmaps and sizing disclosed by Higgins. Doing so enables the designing of various windows and other UI elements according to specific purposes.

Claim 11:

Higgins fails to teach the sizing module being adapted to divide the bitmapped component into a plurality of grids and adjusting the size of the grids to size the component. Isreal teaches the sizing module being adapted to divide the bitmapped component into a plurality of grids and adjusting the size of the grids to size the component (col. 14, lines 55 – 67). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the sizing module being adapted to divide the bitmapped component into a plurality of grids and adjusting the size of the grids to size the component taught by Isreal with the bitmaps and sizing disclosed by Higgins. Doing so provides a method for sizing, aligning and positioning output in order to provide a quality presentation.

Claim 12:

Isreal teaches sizing module being adapted to adjust margins of the grids to adjust the size of the grids (col. 14, lines 55 – 67).

Claim 13:

Higgins teaches sizing module being adapted to adjust margins of the grids based upon the functional relationship between the DPI between DPI of the context that the UI element is being rendered to and the DPI that the bitmapped component was designed under (col. 4, lines 15 – 35).

Claim 14:

Isreal teaches sizing modules being adapted to adjust the margins of the grids such that the size of each of the grid share adjusted to both the horizontal and vertical directions (col. 14, lines 55 – 67).

Claim 15:

Higgins teaches the functional relationship between the DPI of the context that the UI element being rendered to and the DPI that the bitmapped component was designed under the ratio of the DPI of the context that the UI element is rendered to the DPI that the bitmapped component was designed under (col. 4, lines 15 – 35).

Claim 17:

Higgins fails to teach a UI being themed. Isreal teaches the UI element being themed (fig. 15). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the UI element being themed taught by Isreal with the bitmaps and sizing disclosed by Higgins. Doing so enables the designing of various windows and other UI elements according to specific purposes.

Claim 19:

Higgins fails to teach adjusting the margins of the grids such that the size of each of the grids is adjusted in both vertical and horizontal directions. Isreal teaches adjusting the margins of the grids such that the size of each of the grids is adjusted in both vertical and horizontal directions (col. 14, lines 55 – 67). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine adjusting the margins of the grids such that the size of each of the grids being adjusted

in both vertical and horizontal directions taught by Isreal with the bitmaps and sizing

disclosed by Higgins. Doing so enables allows for the producing of output within the

parameter of its corresponding output peripheral.

Claim 20:

Higgins teaches adjusting the margins of the grids based upon the ratio of the

DPI of the context that the UI element is rendered to the DPI that the bitmapped

component was designed under (col. 4, lines 15 – 35).

Claim 21:

Higgins teaches software that requires a computer-readable medium storing

computer-executable instructions adapted to perform the method of claim 20 (abstract).

Claim 23:

Higgins fails to teach a UI being themed. Isreal teaches the UI element being

themed (fig. 15). It would have been obvious to one with ordinary skill in the art at the

time of the invention to combine the UI element being themed taught by Isreal with the

bitmaps and sizing disclosed by Higgins. Doing so enables the designing of various

windows and other UI elements according to specific purposes.

Claim 24:

Higgins teaches adjusting the margins of the grids to adjust the size of the grids

based upon the functional relationship between the DPI of the context that the UI

element is rendered to and the DPI that the bitmapped component was designed under

(col. 4, lines 15 – 35).

Higgins fails to teach dividing the bitmap into a plurality of grids. Isreal teaches

dividing the bitmap into a plurality of grids (col. 14, lines 55 – 67). It would have been

obvious to one with ordinary skill in the art at the time of the invention to combine

dividing the bitmap into a plurality of grids taught by Isreal with the bitmaps and sizing

disclosed by Higgins. Doing so enables allows for the producing of output within the

parameter of its corresponding output peripheral.

Claim 25:

Isreal teaches adjusting the margins of the grids such that the size of each of the

grids is adjusted in both vertical and horizontal directions (col. 14, lines 55 – 67).

Claim 26:

Higgins et al (US 5,477,241) teaches adjusting the margins of the grids based

upon the ratio of the DPI of the context that the UI element is rendered to the DPI that

the bitmapped component was designed under (col. 4, lines 15 – 35).

8.   Claims 29 – 31, 33 – 35, 37, 40, and 41 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Isreal as applied to claims 27, 32, and 38 above, and further in

view of Higgins.

Claim 29:

Isreal fails to teach entries within the library being designed under a particular

DPI, the sizing module adapted to choose the second component from the library based

upon a functional relationship between the DPI of the context that the UI element is

being rendered to and the DPI that the entries within the library were designed under.

Higgins et al (US 5,477,241) teaches entries within the library being designed under a

particular DPI, the sizing module adapted to choose the second component from the

library based upon a functional relationship between the DPI of the context that the UI

element is being rendered to and the DPI that the entries within the library were

designed under (col. 4, lines 1 – 15). It would have been obvious to one with ordinary

skill in the art at the time of the invention to combine the entries within the library being

designed under a particular DPI, the sizing module adapted to choose the second

component from the library based upon a functional relationship between the DPI of the

context that the UI element are rendered to with DPI that the entries within the library

were designed under taught by Higgins with the system adapted to produce a UI

element having at least one component disclosed by Isreal. Doing so enables adapting

output to the parameters of various output peripherals.

Claim 30:

Higgins teaches the sizing module being adapted to choose the second

component from the library based upon the ratio of the DPI of the context that the UI

element is being rendered to the DPI that the entries within the library were designed

under (col. 4, lines 1 – 15)

Claim 31:

Higgins teaches the sizing module being further adapted to refine the size of the

chosen second component based upon the ratio of the DPI of the context that the UI

element being rendered to the DPI that the entries within the library being designed

under (col. 4, lines 1 – 15).

Claim 33:

Isreal fails to teach entries within the library being designed under a particular

DPI along with choosing the second component from the library based upon a functional

relationship between the DPI of the context that the UI element is rendered to and the

DPI that the entries within the library were designed under. Higgins teaches entries

within the library being designed under a particular DPI (col. 4, lines 1 – 15). Higgins

teaches choosing the second component from the library based upon a functional

relationship between the DPI of the context that the UI element is rendered to and the

DPI that the entries within the library were designed under (col. 4, lines 1 – 15). It would

have been obvious to one with ordinary skill in the art at the time of the invention to

combine the entries within the library being designed under a particular DPI, the sizing

module adapted to choose the second component from the library based upon a

functional relationship between the DPI of the context that the UI element are rendered

to with DPI that the entries within the library were designed under taught by Higgins with

the system adapted to produce a UI element having at least one component disclosed

by Isreal. Doing so enables adapting output to the parameters of various output

peripherals.

Claim 34:

Higgins teaches choosing the second component from the library based upon the

ratio of the DPI of the element is being rendered to the DPI that the entries within the

library were designed under (col. 4, lines 1 – 15).

Claim 35:

Higgins teaches refining the size of the chosen second component based upon the ratio of the DPI of the context that the UI element is rendered to the DPI that the entries within the library were designed under (col. 4, lines 1 – 15).

Claim 37:

Isreal teaches software that requires a computer-readable medium having computer-executable instructions adapted to perform (abstract).

Claim 40:

Isreal fails to teach entries within the library being designed under a particular DPI along with choosing the second component from the library based upon a functional relationship between the DPI of the context that the UI element being rendered to the DPI that the entries within the library were designed under. Higgins teaches entries within the library being designed under a particular DPI (col. 4, lines 1 – 15). Higgins teaches choosing the second component from the library based upon a functional relationship between the DPI of the context that the UI element being rendered to the DPI that the entries within the library were designed under (col. 4, lines 1 – 15). It would have been obvious to one with ordinary skill in the art at the time of the invention to combine the entries within the library being designed under a particular DPI along with choosing the second component from the library based upon a functional relationship between the DPI of the context that the UI element being rendered to the DPI that the entries within the library were designed under taught by Higgins with the system adapted to produce a UI element having at least one component disclosed by Isreal. Doing so enables adapting output to the parameters of various output peripherals.

Claim 41:

Higgins et al (US 5,477,241) teaches choosing the second component from the

library based upon the ratio of the DPI of the context that the UI element being rendered

to the DPI that the entries within the library were designed under (col. 4, lines 1 – 15).

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas J Joseph whose telephone number is 703-305-

3917. The examiner can normally be reached Mondays through Fridays from 7:30 am

to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.
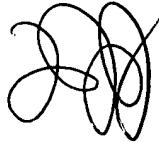
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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